

REMARKS/ARGUMENTS

Favorable reconsideration and allowance are respectfully requested. Claims 1-17 are pending examination.

The present application claims foreign priority benefits from Israeli Application No. 148994 filed April 4, 2002. Form PTOL-326 still fails to indicate that copies of the foreign priority documents have been received, although the PAIR database indicates that a certified copy of the foreign priority application was received on September 30, 2004. Applicant does note, however, that Examiner acknowledged receipt of these documents in writing in the outstanding Action.

Claims 1, 2, 4-8, 12-15, and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bodicky (U.S. Pat. 4,333,455). Applicant respectfully submits that Bodicky does not disclose or suggest all elements of the combination claimed in, for example, claim 1.

For example, independent claim 1 recites, *inter alia*, “wherein said multi-use entry-port element is configured such that a seal between the second end of the element and said flexible catheter-tube is achieved.” (Independent claim 14 recites similar language but with respect to a configuration of the catheter). Applicant notes that, although Examiner has maintained this rejection of claim 1 under Bodicky, the Examiner has failed to allege where in Bodicky this element is purported taught.

Applicant has claimed a seal between the second end of the element and the flexible catheter tube. According to the Examiner “Bodicky discloses a taper seal.” But

the Examiner has not shown where such a seal is present in Bodicky, rather, the Examiner has merely alleged this as fact. Applicant submits that not only is this a mischaracterization of the tapered element shown in Bodicky, but Bodicky further actually teaches against such a seal being formed.

First, with regards to the tapered appearance of the cannula end, simply because a taper appears does not mean that there must necessarily be a taper seal present. Nothing in Bodicky teaches or suggests that such a seal would be formed. Instead, it appears that the purpose of the taper is rather to allow the distal end of the cannula to easily follow the puncture point into a passageway. (Col. 5:15-23).

Further, Bodicky teaches that a catheter is flown through the tapered end of the cannula using fluid flow. (Col. 5:41-47). If a seal formed between the catheter and the tapered end, then it would be impossible to flow the catheter therethrough. If there is some clearance between the inner wall of the cannula end and the outer wall of the catheter, however, fluid can pass there between and fly the catheter into the passageway as is both taught and claimed by Bodicky. The language of claim 7 further supports this position "A catheter introducer, comprising: a stiff tube... said stiff tube having an internal diameter slightly larger than the external diameter of said catheter."

Finally, Bodicky provides for a seal at a different portion of the cannula, which further supports the notion that Bodicky does not teach, nor was intended to teach, a seal at the distal end of the cannula. According to Bodicky "The introducer cannula 52... also has the funnel-shaped proximal portion 56 serving as a locking ferrule for gripping the

material of the enlarged segment 31 of the catheter 22 to form a seal therebetween.” (Col. 4: 55-61). As can be seen from the figures, this seal is not a seal between the end of the cannula and the catheter tube.

In order to maintain that there is actually a seal formed at the distal end of the cannula of Bodicky, Applicant submits that there must be more than the Examiner’s allegation that this is the case. Applicant sees no teaching or suggestion, however, in Bodicky, that would indicate the existence of a seal.

For at least these reasons, Applicant submits that claims 1 and 14 are allowable over the prior art of record. Claims 2, 4-8, 12-13, and 15 should be allowable based at least on their dependency from allowable claims.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bodicky in view of Feller et al. (U.S. Pat. 4,362,156). Feller, however, does not cure the noted deficiencies of Bodicky, and thus claim 3 should be allowable based at least on its dependency from an allowable claim.

Claims 9-11 and 16-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bodicky in view of Gray et al. (U.S. Pat. 6,086,008). Gray, however, does not cure the noted deficiencies of Bodicky, and thus claims 9-11 and 16-17 should be allowable based at least on their dependency from allowable claims.


· AMISAR et al.
Appl. No. 10/509,829
January 18, 2008

For at least the reasons presented herein, claims 1-17 are believed to be in
condition for allowance

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Joseph S. Presta
Reg. No. 35,329

JSP:mg
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100